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Turkey

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Memorandum on Turkish Coasting and Towing Trade.

(Sir W. White's Nos. 118 and 123 of September 1891.)

British subjects claim a right to participate in the Turkish coasting trade, under the Capitulations of 1675.

The *French* found their claim to the same privilege under their Capitulations of 1740.

The *Austrians* claim the same privilege under the Treaty of Passarowitz, 1718, and the "Sened" of 1784.

The French and Austrians still avail themselves of this privilege, and carry on the coasting trade with fine vessels.

Print, 1891, p. 36. It would be manifestly unreasonable and unjust, therefore, to expect that British tug-boats should forego their right of participating in the Turkish coasting trade so long as France, Austria, and other countries are allowed to do so.

It seems to me, then, that the instructions given to Sir W. White on the 18th May last should be firmly adhered to.

I don't think it would be a satisfactory arrangement that the present British tug-owners should be compensated by the Porte on their ceasing to engage in the coasting trade of the Sea of Marmora, if, by so withdrawing, it was considered that Her Majesty's Government admitted the principle that although foreigners might engage in the Turkish coasting trade in that sea, British subjects might no longer do so.

Still, I see no reason why the Porte should not be allowed to enter into some direct arrangement with the present tug-owners (with the approval of Sir W. White) to cease carrying on the coasting

trade in the Marmora, provided no principle was involved, and it was admitted that some other English Company might at some future time engage in that trade, provided it was not prohibited, and that the prohibition was enforced against foreigners generally.

It was English tug-boats which first introduced the passenger traffic in the Bosphorus in 1850: these boats have been in the habit ever since of conveying passengers and merchandize from Constantinople to other Turkish ports in the Sea of Marmora and in the Black Sea as far as Bartan; and the Turks have frequently hired them to carry goods and passengers for them in the coasting trade.

The endeavour now being made to stop the English tug-boats is in order to favour a Turkish Company, and to create a monopoly such as was done in 1852, when the Bosphorus coasting trade was monopolized; but (as was pointed out in my Minute on Sir W. White's No. 42 of the 28th March, 1891), when in 1852 the Porte maintained that the Bosphorus was not open to the coasting trade, on the ground that the Bosphorus, Constantinople, and all the Straits of the Black Sea was "one port," it admitted the right of British vessels to trade and carry passengers in the Sea of Marmora and the Dardanelles, it declared itself to be quite prepared to refuse equally to the subjects of other Powers the privileges which it denied to British subjects, and said that it would still allow the owners of British steamers to employ their vessels in towing merchant-vessels in the whole line of Straits from the Mediterranean to the Black Sea.

Sir W. White asks whether Her Majesty's Government intends to give up the right of towing in Turkish territorial waters, the reply to which inquiry, I think, should be that Her Majesty's Government are not prepared to give up in the Ottoman dominions, on behalf of British subjects, any rights or privileges which are enjoyed by the subjects of any other nation. Memorandum 2575, p. 4.

The Ottoman Delegates maintain that the British Delegates have admitted the right of the Porte to reserve their coasting and towing trade in their own territorial waters, and especially in the Sea of Marmora, and the Straits of the Dardanelles, and of the Black Sea; but the *pro-memorid* which was signed by the British and Ottoman Delegates on the 6th March, 1891, ended

with these words: "Il est entendu qu'en ce qui concerne le commerce de cabotage, tout privilège ou facilité qui est, ou qui serait par la suite accordé aux sujets, aux bâtiments, ou à la navigation de la nation la plus favorisée, serait immédiatement, et sans conditions, accordé aux sujets, aux bâtiments, et à la navigation Britanniques." This is quite consistent with Article I of the draft Convention, which has been signed *ad referendum*, and in which it is declared as follows:—

Print, 1891, p. 33.

"Tous les droits, privilèges, et immunités que l'une des Hautes Parties Contractantes accorde à présent, ou pourra accorder par la suite, ou dont elle permettra la jouissance à l'avenir aux sujets, au commerce, aux produits du sol ou de l'industrie, aux *bâtiments et à la navigation* de toute autre Puissance étrangère seront accordés immédiatement et sans conditions aux sujets, au commerce, aux produits du sol et de l'industrie, *aux bâtiments et à la navigation* de l'autre Haute Partie Contractante, qui en auront de droit l'exercice et la juridiction."

Sir W. White is of opinion that it would be necessary to insert a most-favoured-nation clause as to towing, inasmuch as the Additional Article signed by the British and Ottoman Delegates on the 6th March, 1891, only applies to "cabotage;" but I should have thought the wording of the 1st Article of the draft Convention above quoted, which grants most-favoured-nation treatment with regard to "bâtiments" and "navigation" generally, was sufficiently comprehensive to include towing, since towing has not been reserved; but there would appear to be no objection to inserting a special clause with regard to towing, should it really be thought necessary.

I quite agree with what Sir W. White says with regard to the words "pendant la durée du présent Traité" proposed to be inserted in Article XVI. These words have been allowed to be inserted in Article XVIII, which has been signed *ad referendum*; but it would be better, I think, if words could be inserted to stipulate that the privileges confirmed by Articles XVI and XVIII were to be enjoyed by British subjects for all time so long as they were enjoyed by other foreigners.

I also agree in thinking the words "et cetera" highly objectionable; they have either no meaning,

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Foreign Office.
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